

using all years of available data, the performance, efficiency, and effectiveness of the need for, and recommendations regarding the future of the Trucking Security Grant Program.

SUBTITLE D—HAZARDOUS MATERIAL AND PIPELINE SECURITY

Section 1551. Railroad Routing of Security-Sensitive Materials

There is no comparable House provision.

Section 1431 of the Senate bill directs the Secretary of Homeland Security, in consultation with TSA and the Department of Transportation, to require rail carriers transporting high hazard materials to develop security threat mitigation plans, including alternative routing and temporary shipment suspension options, and to address assessed risks to high consequence targets. These threat mitigation plans are to be implemented when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists toward high-consequence rail targets or infrastructure. Within 60 days of enactment of the Act, a list of routes used to transport high hazard materials must be submitted to the Secretary. Within 180 days after receiving the notice of high consequence targets on such routes by the Secretary, each rail carrier must develop and submit a high hazard materials security threat mitigation plan to the Secretary. Any revisions must be submitted to the Secretary within 30 days of the revisions being made. The Secretary, with the assistance of the Secretary of Transportation, is directed to review and transmit comments on the plans to the railroad carrier. A railroad carrier must respond to those comments within 30 days. The plans would be required to be updated by the railroad carrier every two years. This section also defines the following terms: "high-consequence target," "catastrophic impact zone," and "rail carrier."

The Conference substitute adopts a modified version of the Senate provision that requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to publish a final rule for the transportation of hazardous materials that would require railroad carriers to compile commodity data of security sensitive materials and analysis of the safety and security risks for transportation routes of security sensitive materials. It also mandates that the final rule require that rail carriers that ship security-sensitive materials identify alternate routes, analyze the safety and security considerations of such alternative routes, and use such routes with the least safety and security risk when transporting security-sensitive materials. The Conference substitute requires that when railroads consider alternative routes, they consider the use of routes with interchange agreements.

Section 1552. Railroad Security Sensitive Material Tracking

There is no comparable House provision.

Section 1435 of the Senate bill requires the Secretary of Homeland Security, in consultation with TSA, to develop a program to encourage the equipping of rail cars transporting high hazard materials with communications technology that provides information concerning car position, depressurization, and the release of hazardous materials. This section also authorizes \$3 million in funding for each of Fiscal Years 2008 through 2010 for the Secretary to carry out this section.

The Conference substitute adopts the Senate language with minor modifications.

Section 1553. Hazardous Materials Highway Routing

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Transportation, within one year of enactment of the Act, in consultation with the Secretary of Homeland Security, to: document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier and develop a framework by using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry; assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns; analyze current route-related hazardous materials regulations in the US, Canada, and Mexico to identify cross-border differences and conflicting regulations; document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes; prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials; develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials; transmit to the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Transportation and Infrastructure a report on the actions taken to fulfill all the requirements of this section and any recommended changes to the routing requirements for the highway transportation of hazardous materials.

Under Section 1442, within 1 year of the date of enactment, the Secretary of Transportation would be required to complete an assessment of the safety and national security benefits achieved under existing requirements for route plans for explosives and radioactive materials and shall submit a report to the appropriate Congressional Committees with the findings and conclusions of the assessment. The Secretary of Transportation is also directed to assess, and potentially require, the addition of certain high-hazardous materials to the list of existing hazardous materials that are required to be transported by motor carriers that use highway routing plans.

The Conference substitute adopts the Senate language with minor modifications.

Section 1554. Motor Carrier Security-Sensitive Material Tracking

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Homeland Security, through TSA, and in consultation with the Secretary of Transportation, to develop a program to facilitate the equipping of motor carriers transporting high hazard materials with communications technology that provides frequent or continuous communications, vehicle position and location and tracking capabilities, and an emergency broadcast capability. This section authorizes \$7 million to carry out this section for each of Fiscal Years 2008 through 2010, of which \$3 million per year may be used for equipment and \$1 million per year may be used for operations.

The Conference substitute adopts the Senate language as modified. This section would require that the Secretary of Homeland Security, through the TSA, and in consultation with the Secretary of Transportation, develop a program to facilitate the deployment and use of tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. It retains the

Senate provision authorization level amounts, but does not include the specific set-aside of a \$1 million per year that may be used for operations.

The Conference expects that this program will help expand the use of technology that allows for continuous communication, position location and tracking, and emergency distress signal broadcasting, when such technologies can improve security without being overly burdensome, and that the provision will expand TSA's analysis of other tracking-related security technologies that could be beneficial to the security of hazardous materials truck shipments through the evaluation required under this section.

Section 1555. Hazardous Materials Security Inspections and Study

There is no comparable House provision.

Section 1444 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans within one year after the enactment of this Act. Failure by any covered person to comply with part 172, title 49, Code of Federal Regulations, within 180 days after being notified by the Secretary is punishable by a civil penalty. In reviewing compliance with part 172, the Secretary is required to utilize risk assessment methodologies to prioritize review and enforcement actions to the highest risk hazardous materials transportation operations. This section also requires the Secretary of Transportation, within one year, in coordination with the Secretary of Homeland Security, to study to what extent the insurance, security, and safety costs borne by carriers of hazardous materials are reflected in the rates paid by shippers of such commodities, as compared to those for the transportation of non-hazardous materials. Section 1444 authorizes \$2 million each of Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. It directs the Secretary of Transportation, in consultation with the Secretary of Homeland Security to limit duplicative reviews of hazardous materials security plans required under part 172, title 49, Code of Federal Regulations. The Conference substitute retains the cost study from the original Senate provision.

Section 1556. Technical Corrections

There is no comparable House provision.

Section 1450 of the Senate bill corrects technical errors to section 5103a of title 49, United States Code, by inserting "Secretary of Homeland Security" in place of the term "Secretary". This section also clarifies that an individual with a valid transportation worker identification card has satisfied the background records check required under 5103a of title 49, United States Code. This section does not preempt State requirements on background checks required to receive a hazardous materials endorsement.

The Conference substitute adopts the Senate language with minor modifications to clarify the Department of Transportation and the Department of Homeland Security's roles in carrying out section 5103a of title 49, United States Code.

Section 1557. Pipeline Security Inspections and Enforcement

There is no comparable House provision.

Section 1449 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, to establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of